Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 992 OF 2002

Sudhir Dattaram Patil ..Plaintiff

versus

Bombay Alums Pvt. Ltd. ..Defendants

Mr. V. W. Apte for the Plaintiff.

None for the Defendants.

CORAM : S. A. BOBDE, J.
DATE : 11TH DECEMBER, 2007.

P.C.

. Heard.

2. This is a summary suit for recovery of a sum of Rs.6,00,000/- with interest.

3. On 20.3.2007 on the Summons for Judgment No. 272 of 2005 the Defendants were granted conditional leave to defend the suit upon deposit of Rs.6,00,000/- within 12 weeks i.e. on or before 12.6.2007.

4. Appeal Lodging No. 520 of 2007 was

summarily rejected.

5. The Defendants have failed to deposit a sum of Rs.6,00,000/- on or about 12.6.2007 as is evident from the Non Deposit Certificate dated 21.7.2007 issued by the Prothonotary & Senior Master of this court, which is on record. Having regard to the uncontroverted averments in the plaint, it appears that the defendant had taken a loan of Rs.6,00,000/- by cheque dated 4.9.2000 drawn on Saraswat Co-op. Bank Ltd. Vashi Branch, Navi Mumbai. The Defendant is liable in the said sum.

6. Hence the suit is decreed in the sum of Rs.6,00,000/- with interest. Hence, there shall be a decree in the sum of Rs.6,00,000/- together with interest thereon at the rate of 18% per annum from 24.12.2001 till payment and/or realisation with costs. Refund of court fees as per the Rules. Decree be drawn accordingly.

(S. A. BOBDE, J.)